

Response to Amendment

1. Applicant's amendment and arguments of September 11, 2009 have been entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 8, 9, 12, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez (US Patent 5,111,994 from the IDS).

Gonzalez '994 discloses a shower head having: a housing 10 and a water inlet 40 as recited; a jet disk (28, 16, and 30) for exit of jets, wherein the jet disk has a front face having apertures 5 from which the jets exit from the shower head; an aerator 14 comprising a hub (the section from flange 21 to flange 102) located centrally in the jet disk with an axial passage 23 through which air intake takes place from the front face of the jet disk, wherein the hub has at least one radial air conduit 25 in a vicinity of an end of the hub that is located upstream of the jet disk and faces an interior of the housing, and wherein the hub has on an exterior of the hub essentially axially arrayed guides (seating for o-rings 22 and 24) and a deflector 12 arranged on the base of the hub for guiding the discrete aerated jets outwardly from the hub toward the apertures from which the jets exit the jet disk. It would have been a design choice to make the guides inclined as recited in claim 12.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained PAIR.

/Davis Hwu/
Primary Examiner, Art Unit 3752